

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

STEWART MANAGO,

Plaintiff,

v.

CITY OF BARSTOW, et al.,

Defendants.

Case No. 1: 21-cv-01708-DAD-SAB

ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff Stewart Manago is a state prisoner proceeding *pro se* in this action. Plaintiff filed this action on December 1, 2021, naming the City of Barstow, California, various police officers in the Barstow Police Department, and deputy district attorneys in San Bernardino County. (ECF No. 1.) The complaint specifies each Defendant resides in cities within the Central District of California, the events alleged took place in San Bernardino County, and the complaint was filed using the form with the letterhead of the United States District Court for the Central District of California. (*Id.*) However, the complaint was filed with the Eastern District of California, presumably due to the Plaintiff's current incarceration within this district.

The federal venue statute requires that a civil action be brought in "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b). The Court has reviewed Plaintiff's complaint and finds that venue does not lie in this district as none of the venue requirements of Section 1391 are met. The Defendants are located in and the incidents alleged in the complaint took place in San Bernardino County which is located in the Central District of California. Venue in this action appropriately lies within the Central District of California, and it appears Plaintiff intended to file this action therein.

Pursuant to 28 U.S.C. § 1406(a), when a case has been filed in the wrong district, the "district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Additionally Local Rule 120(f), provides that a civil action which has not been commenced in the proper court may, on the court's own motion, be transferred to the proper court. Therefore, this action will be transferred to the Central District of California. This court will not rule on Plaintiff's request to proceed *in forma pauperis*.

Good cause appearing, IT IS HEREBY ORDERED that this action is transferred to the United States District Court for the Central District of California.

IT IS SO ORDERED.

Dated: December 2, 2021

  
UNITED STATES MAGISTRATE JUDGE